

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

ELIZABETH INGE, individually, and
JOHNNY INGE, individually,

Plaintiffs,

v.

No. D-101-CV-2016-02411
Honorable Francis J. Mathew

COVENANT MEDICAL GROUP, a
Foreign non-profit corporation doing
Business in the State of New Mexico
As Covenant Family Health Care Center,

Defendant.

NOTICE OF REMOVAL

COMES NOW Defendant Covenant Medical Group by and through its counsel of record ATWOOD, MALONE, TURNER & SABIN, PA (Lee M. Rogers, Jr., Carla Neusch Williams, and Quincy J. Perales) hereby removes this action to the United States District Court for the District of New Mexico. In support of this removal, Defendant states:

1. On January 24, 2017, Plaintiffs filed their Second Amended Complaint naming Covenant Medical Group as the sole Defendant. *See Second Amended Complaint along with all filings in this suit attached hereto as Ex. A.*
2. Defendant Covenant Medical Group is a non-profit tax-exempt medical foundation that is certified under Texas law to employ physicians and practice medicine.
3. Covenant Medical Group's headquarters and principal place of business are located at 3420 22nd Place Lubbock, Texas 79410.

4. All the Directors and Officers of Covenant Medical Group are citizens of Texas. See *Secretary of State online Corporation Search Information regarding Covenant Medical Group attached hereto as Ex. B.*

5. Plaintiffs have alleged that at all times material to this action, they were both residents of Clovis, New Mexico, which is located in Curry County, New Mexico.

6. Based upon the allegations in Plaintiffs' Complaint, Plaintiffs are seeking relief in excess of \$75,000 exclusive of interest and costs.

7. This Court has jurisdiction in this civil action under 28 U.S.C. § 1332(a) as the amount in controversy exceeds \$75 000 and is between citizens of different states.

8. Pursuant to 28 U.S.C. § 1441, this Notice of Removal is timely because it is filed within thirty (30) days of receipt by Defendant of a copy of a pleading, motion, or other paper from which it was first ascertained that the case was eligible for removal. Specifically, Defendant Covenant Medical Group received a copy of the Second Amended Complaint on January 24, 2017 and the time in which Defendant is required to answer Plaintiff's Second Amended Complaint by the laws of the State of New Mexico has not yet expired.

9. The United States District Court for the District of New Mexico is the proper Court to remove actions from the First Judicial Court for the State of New Mexico in accordance with 28 U.S.C. § 1446(a).

10. The removing Defendant Covenant Medical Group shall promptly file a copy of this Notice of Removal with the Clerk of the District Court of Santa Fe County, First Judicial District, State of New Mexico, thereby effecting removal as provided in 28 U.S.C. § 1446(d).

WHEREFORE Defendant Covenant Medical Group hereby gives notice that Cause No. D-101-CV-2016-02411 currently pending in the District Court of Santa Fe County, First Judicial District, State of New Mexico, be removed into this Court for trial and determination as provided by law.

Respectfully Submitted,

ATWOOD, MALONE, TURNER & SABIN, P.A.

/s/ Lee M. Rogers, Jr.

Lee M. Rogers, Jr.

Carla Neusch Williams

Quincy J. Perales

P.O. Drawer 700

Roswell, New Mexico 88202-0700

(575) 622-6221

Attorneys for Defendant Covenant Medical Group

I HEREBY CERTIFY that on February 14, 2017, I filed the foregoing instrument Electronically through the Court's Mandatory Electronic Filing system which caused all parties of record to be served by electronic means, as more fully reflected on the emailed Notice of Electronic Filing received from the Court.

Electronically Filed /s/ Lee M. Rogers, Jr.

Lee M. Rogers, Jr.